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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of MIELNIK, et al.)	Examiner: K. JOYNER
)	
Serial No.: 10/634,684)	Art Unit: 1744
)	
Filed: August 5, 2003)	Confirmation: 7138
)	
For: DECONTAMINATION SYSTEM FOR MAIL AND OTHER ARTICLES)	
)	
Date of Last Office Action: October 4, 2006)	
)	
Attorney Docket No.: MEDZ 2 01312 (I) US)	Cleveland, OH 44114
)	November 1, 2006

ELECTION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement of October 4, 2006, the applicants elect Group I, method claims 1-18, with traverse.

The Examiner states that the basis for this restriction is:

In this case, the method can be performed with an apparatus that is not fluidly connected to the source of the decontaminant. For example, the decontaminant according to the method may be sprayed on by a source without connection to the chamber or enclosure or the decontaminant may be a powder.

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I certify that this **ELECTION** in connection with Ser. No. 10/634,684 is being
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November 1, 2006

Signature <i>Hilary M. McNulty</i>
Printed Name Hilary M. McNULTY

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In the first sentence quoted above, the Examiner appears to be conceding that the decontaminants do come from some type of source and appears to be focusing on the "fluid" connection. First, elected claim 3 calls for the first decontaminant to include ethylene oxide which is a fluid, particularly a gas. Claim 4 calls for the second decontaminant to be hydrogen peroxide vapor which is a fluid, particularly a vapor or gas. Thus, in order to get the first and second fluids from their source to the container, the source must be fluidly connected with the chamber.

In the second sentence quoted above, the Examiner indicates that according to the method, the decontaminant may be sprayed on by a source without connection to the chamber or enclosure.

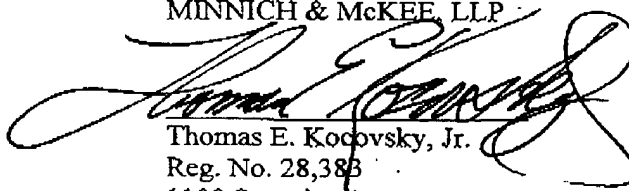
Elected claims 6-9 call for various examples in which items are decontaminated in the enclosure or the chamber.

It is submitted that the Examiner must look to all of the elected claims, not just the broadest, when making a case that the method can be performed by a different apparatus. Such an examination will show that the concepts set forth varying degrees of breadth in the 18 method claims are similar to the concepts set forth in varying degrees of breadth in the 12 apparatus claims. It is further submitted that a complete and well-defined search for the method and apparatus claims will be substantially identical. The separate classification results from the Patent Office having different subclasses for method and apparatus and, taken alone, does not determine whether inventive concepts are patentably distinct.

An early withdrawal of the Restriction Requirement and examination of all claims is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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COMMENTS

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